

## Message Text

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PAGE 01 NEW DE 06199 300019Z

ACTION L-03

INFO OCT-01 NEA-10 ISO-00 SCA-01 CPR-01 SCS-03 INR-07

/026 W

-----300715Z 070559 /11

R 291228Z APR 77

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 3063

LIMITED OFFICIAL USE NEW DELHI 6199

E.O. 11652: NA

TAGS: CGEN IN US

SUBJECT: CONSULAR CONVENTION

REF: NEW DELHI 5941

1. DEPUTY ADMINISTRATOR SCA, ROBERT HENNEMEYER, MET WITH MEA LEGAL ADVISER, DR. S.P. JAGOTA, ON APRIL 28 TO EXCHANGE VIEWS ON CONSULAR CONVENTION. HENNEMEYER STRESSED HIGH LEVEL INTEREST IN THE USG IN CONCLUDING AN AGREEMENT WITH INDIA AS SOON AS POSSIBLE. HE SAID THAT THE GOI, LIKE THE USG, PRESUMABLY PREFERRED TO RESOLVE ISSUES DEALT WITH IN THE CONVENTION ON A FORMAL BASIS RATHER THAN CONTINUE TO DEAL WITH THEM ON AN AD HOC BASIS. JAGOTA AGREED. JAGOTA REITERATED HIS WILLINGNESS TO BEGIN NEGOTIATIONS WITHOUT FIRST PREPARING A WRITTEN COMMENTARY ON THE US DRAFT AND EXPRESSED HOPE THAT AN AGREEMENT MIGHT BE REACHED THIS CALENDAR YEAR(REFTEL).

2. HENNEMEYER TOLD JAGOTA THAT THE USG WAS ESPECIALLY INTERESTED IN THE FOLLOWING QUESTIONS TREATED IN THE DRAFT CONVENTION: TAXATION OF CONSULAR FACILITIES, PRIVILEGES AND IMMUNITIES OF CONSULAR PERSONNEL, AND RIGHT OF ACCESS TO DETAINEES. ON THE TAX ISSUE, HE NOTED THAT THE INDIAN CONSULATE IN NEW YORK HAS BEEN INDEFAULT TO THE

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CITY SINCE 1950 AND THAT THERE WERE SIMILAR PROBLEMS FOR THE US CONSULATES IN INDIA. HENNEMEYER SAID THAT THE RETROACTIVE QUESTION COULD PROBABLY BE DEALT WITH AS AN ADJUNCT TO THE CONVENTION, POSSIBLY BY AN EXCHANGE OF LETTERS. JAGOTA REPLIED THAT SOMETHING COULD BE WORKED OUT BUT NOTED THAT WITH AGREEMENT ON THE CONVENTION, THE MATTER WOULD EFFECTIVELY BE RENDERED MOOT AS CONSULAR

MISSIONS WOULD BE IMMUNE FROM SUIT.

3. ON THE SUBJECT OF PRIVILEGES AND IMMUNITIES, HENNEMEYER SAID THAT THE US OBJECTIVE IS TO MINIMIZE THE DIFFERENCE IN TREATMENT OF CONSULAR AND DIPLOMATIC PERSONNEL. JAGOTA AGREED THAT THIS WAS GENERALLY DESIRABLE BUT SAID THAT SPECIFIC DETAILS HAD TO BE WORKED OUT SO AS TO BE CONSISTENT WITH OTHER CONSULAR AGREEMENTS.

3. IN CONCLUSION, JAGOTA EXPRESSED OPTIMISM THAT WE WOULD BE ABLE TO REACH AGREEMENT ON A CONSULAR CONVENTION.  
SCHNEIDER

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## Message Attributes

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**Review Markings:**  
Margaret P. Grafeld  
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